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SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

1. Marc Turi, and
2. Turi Defense Group,

Defendants.

CR-14-00191-PHX-DGC

GOVERNMENT'S RESPONSE TO DEFENDANTS' MOTION TO COMPEL DISCOVERY

(Filed Under Seal)

The United States of America, through undersigned counsel, respectfully responds in opposition to Defendants' Motion to Compel Discovery. This response is hereby supported by the following Memorandum of Points and Authorities.

Respectfully submitted this 3rd day of October, 2014.

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PROCEDURAL BACKGROUND

On September 3, 2014, this Honorable Court held a Pretrial Conference pursuant to the Motion to Set Expedited Pretrial Conference Pursuant to Classified Information Procedures Act [Doc. 17] filed pursuant to Section 2 of the Classified Information Procedures Act ("CIPA") by the defendants. During this Pretrial Conference (hereinafter the "Section 2 Hearing"), the Court conducted a discussion with and considered argument from both parties concerning the status of the discovery provided to date by the Government to the defendants pursuant to Fed. R. Crim. P. 16 and *Brady v. Maryland*.

At the Section 2 Hearing, the defendants stated that they did not possess any classified records of which they intended to use such during the case *sub judice*. Thus, they currently do not intend to file any CIPA Section 5 motion or notice as to the use of classified information. Accordingly, the Court conducted the balance of the Section 2 Hearing to address the defendants "requests for discovery" of classified information.

The Court directed the defendants to submit a renewed discovery letter that more specifically tailored requests in terms of the provisions of Rule 16 (a)(1)(E)(i) as to what items they consider "material to preparing the defense." Further, the Court directed that should the defendants not be satisfied with the response of the Government, they were to file a motion to compel discovery with specificity as to both the items they sought in discovery and the basis for their assertion that such items met a requisite minimum threshold of materiality. See Doc.s 44 & 44-1. The defendants have now filed their Motion to Compel Discovery (the "Motion to Compel").

The Government now responds in opposition.

FACTUAL BACKGROUND

The facts underlying this case are, essentially, undisputed. The defendants basically acknowledge the conduct as alleged in the Indictment, but assert that they acted with lawful *mens rea* and intent, thus not in violation of law. As outlined in the Indictment, in 2011 Libya became embroiled in political upheaval and turmoil following the suppression of political protests by the Libyan government then controlled by Col. Mu'ammar Qadhafi. During the first six months of 2011, the defendants engaged in an attempt to broker a substantial quantity of weapons to individuals in Libya aligned with what was known as the Transitional National Council (the "TNC"). The defendants worked together with two foreign nationals identified as "Y.A." and "A.Y" in their dealings with the TNC and with "M.T." with regard to the financing of their arms dealings with the TNC. Neither Y.A., A.Y., M.T. nor any of the other individuals listed in the Indictment were U.S. government officials or agents.

While no weapons were ultimately delivered, the Defendants undertook a range of actions to consummate the intended arms deal, including communicating with TNC representatives; submitting documents to the TNC regarding the purchase of weapons; and submitting applications to the U.S. Department of State (the "DoS") for authorization to broker this specific Libya transaction. The DoS twice denied the Defendants' a license to broker weapons to the Libyan TNC.

It is further alleged that as part of this course of conduct the defendants submitted applications to the Department of State for brokering weapons in which they both omitted

material facts and falsely listed the true and intended end users of these weapons. Specifically, that the Defendants intentionally and falsely identified the governments of Qatar and the United Arab Emirates (the "UAE") as the true end users for the weapons while knowing that the intended and actual end users for the weapons were certain individuals in Libya. The Indictment alleges that the defendants took these actions with the knowledge that brokering weapons to Libya had been prohibited by United States law and that they were acting without proper legal authorization.

In sum, then, the charges in the Indictment covers the defendants' specific conduct only with regard to their actions in illegally attempting to broker weapons in 2011 to individuals in Libya -- not with regard to any other time period or country. The defendants have been charged with four substantive Counts of violating the law with regard to this specified conduct. These charges are thus limited in scope and do not involve any broader ranging conspiracy or other conduct to engage in illegal activities spanning over an extended time period or relating to any other country. The defendants have filed an Initial Notice of Public Authority Defense Pursuant to Fed. R. Crim. P. 12.3 (the "Rule 12.3 Notice") giving notice of their intent to rely on the defense that "at the time of actions relevant to this case" the defendants "were acting (or believed they were acting) on behalf of" the CIA, the U. S. Senate and the Department of State. Rule 12.3 Notice, pp. 2-4. Apart from merely identifying these official entities as being "represented" in some unspecified manner by certain persons identified by initials or name, they do not assert either any specific facts as a basis for forming any reasonable

belief that these persons truly "represented" these entities in any actual, official capacity or that they legally directed or authorized the defendants to take illegal actions in brokering or attempting to broker of weapons to Libya under public authority. Based upon the Rule 12.3 Notice, then, the defendants essentially admit to the *actus reus* of the charges alleged the Indictment regarding their attempts to broker weapons to the TNC in Libya and not, in actuality, to either the governments of Qatar or the UAE as the true end user. Nor do the defendants contest that they were denied two licenses to broker weapons to the TNC by Directorate of Defense Trade Controls (the "DDTC"). The defendants also don't contest that they submitted two applications to the DDTC, which were approved, to broker weapons to the governments of Qatar or the UAE. Nor that the defendants' brokering applications for the governments of Qatar and the UAE related to a very similar list of weapons that had been the subject of the earlier denied Libyan brokering applications. Nor that the defendants did, in fact, intend to broker and deliver the actual weapons identified in the approved licenses for Qatar and the UAE to individuals in Libya, and not to the governments of Qatar or UAE even if these destinations might have ended up serving as a transshipment point.

What the defendants do contest as a factual basis is that they did all the actions noted above with the intent to violate a known legal duty in submitting false and misleading brokering applications, claiming instead that they did so with the good faith belief that they were acting under acting public authority. Therein rests the case.

LEGAL MEMORANDUM OF POINTS AND AUTHORITIES

The Defendants Motion to Compel Discovery should be denied as it demands the production of information which is clearly neither relevant to the allegations of the Indictment nor represents information that is material to preparing a lawfully recognized defense to these charges under the terms of Rule 16(a)(1)(E)(i).

The analysis starts with the basic proposition that what is relevant to the defendants' preparation of their defense should guide any decision regarding what should be produced pursuant to Fed. R. Crim. P. 16(a)(1)(E)(i). What is relevant information under Fed. R. Evid. 401 (a) & (b) turns on if the evidence in question would have "any tendency to make a fact more or less probable" than without it *and* that the "fact is of consequence in determining the action." The defendants argue that they are seeking the far ranging Rule 16 discovery as "material to preparing for their defense" that they were acting under public authority in 2011 by submitting false and misleading brokering applications to the DDTC that did not represent individuals in Libya as the true end users of the weapons. See Rule 12.3 Notice, p.2 & Motion to Compel, p.3.

Yet the defendants' theory of a public authority defense that they advance in the Motion to Compel and the September 8, 2014, discovery letter (the "Discovery Request") is both misplaced and unsupported. In the "Factual Background," the defendants say it is "unquestionable" that they previously "worked for the U.S. government through the Central Intelligence Agency" and that the Indictment alleges that they intended to transport weapons "with the assistance of foreign governments." It is "nonsense," the defendants assert, that they could have arranged for the brokering, purchase and transport

of these items "without any knowledge or involvement of the United States Government." Motion to Compel, p.3.

Merely saying something is true does not make it so and allows one to cross the threshold of materiality to justify far ranging discovery requests for untold amounts of records which would have no relevant bearing on (i) the proof of either the Defendants' actions or their *mens rea* or (ii) any legally recognized defense to the charges. Despite assumptions or speculations advanced that "Defendants had previously worked with the U.S. Government, including the CIA, on covert weapons transactions," it is simply wrong that "[t]he Government does not appear to dispute this fact." Motion to Compel, p. 4 & n 8. It is incumbent on the defendants to first make a minimal showing, apart from bald assertions, that they acted on the actual direction of a public authority to advance a public authority defense and, thus, justify their open ended demands for discovery. They have not done so.

If the information sought by the defendants does not "bear on any issue involving the elements of the charged offense," it is "not of consequence to the determination of the action" and is therefore irrelevant. *United States v. Dean*, 980 F.2d 1286, 1288 (9th Cir. 1992). While the relevancy standard is not a strict one, it is designed to ensure that the focus of the trial remains on the question of guilt for the charged offense rather than on the defendant's unrelated actions and motivations. *See United States v. Nichols*, 820 F.2d 508, 510 (1st Cir. 1987).

"To secure a discovery order under Fed. R.Crim.P. 16(a)(1)(C) [the predecessor to Rule 16(a)(1)(E)(i)], a defendant must first make a prima facie showing of materiality."

United States v. Little, 753 F.2d 1420, 1445 (9th Cir. 1984)(citing *U.S. v. Cadet*, 727 F.2d 143 (9th Cir. 1984)). "Materiality is not established by…a conclusory argument that the requested information was material to the defense." *Id.* Moreover, on point to the case *sub judice*, the Court in *Little* observed in turning away the defendant's discovery demands that their "bald assertions of suspected CIA involvement in this case were insufficient to make a prima facie case of materiality to entitle [the defendants] to the requested documents." *Id.* Similar is the holding in *United States v. Cadet*, 727 F.2d 1453, 1468 (9th Cir. 1984): a "conclusory argument as to [records] materiality is insufficient to satisfy the Requirements of Rule 16(a)(1)(C)," especially when considering a "wholly conclusory showing and the great breadth of the discovery request" (citing *U.S. v. Marshall*, 532 F.2d 1279 (9th Cir. 1976). Thus, a prima facie showing of materiality to a recognized defense is required. *See United States v. United States District Court, Central District of California*, 717 F.2d 478, 480 (9th Cir. 1983); *United States v. Buckley*, 586 F.2d 497 (5th Cir. 1978), *cert. denied*, 440 U.S. 982 (1979).

Such a showing of materiality of the information sought as discovery under Rule 16(a)(1)(E)(i) must be grounded in fact, not speculation. Such that "assertions, although not implausible, do not satisfy the requirement of specific facts, beyond allegations, relating to materiality." *United States v. Santiago*, 46 F.3d 885, 894-95 (9th Cir. 1995)(citing *U.S. Mandel*, 914 F. 2d 1215, 1219 (9th Cir. 1990)). *See also United States v. Muniz-Jaquez*, 717 F.3d 1180, 1183-84 (9th Cir. 2013)(Rule 16 permits discovery that is relevant to the development of a possible defense). This principle is grounded in the idea that "[a] standard of materiality is necessary to avoid the burdens and delays inherent

in sweeping discovery orders. The issue at trial here is the guilt or innocence of the defendant on specific criminal charges." *United States v. United States District Court, Central District of California*, 717 F.2d at 482. With the exception of Requests No. 8 & 9, the Defendants' discovery demands appear to rest only on sparse (if any) facts, conclusory statements or unsupported speculations.

In upholding a denial of discovery of confidential information as to informants, the Ninth Circuit further emphasized that a defendant "merely speculated that disclosure would be beneficial to his defense. Such speculation was not sufficient to require disclosure." *United States v. Marshall*, 532 F.2d 1279, 1282 (9th Cir. 1976). In ruling on a discovery demand relating to then Rule 16(b) which permitted a defendant to seek records on a "showing of materiality to the preparation of his defense and that the request [was] reasonable," the Ninth Circuit held that "[t]he requirement of materiality when seeking discovery under Rule 16(b) signifies that the pre-trial disclosure of the evidence must enable the [defendant] to substantially alter the quantum of proof in his favor." *Id.* at 1284 & 1285. Much as is at issue in this case, the Court considered the defendant's discovery request with a view that "[a]ny information discovered would have a great potential for confusing the issues at trial....Indeed, the discovery motion could very well be viewed as a 'fishing expedition,' in the hope that some favorable evidence would turn up." *Id* .at 1285. The Court further noted that such "conclusory arguments as to their materiality have been repeatedly rejected as insufficient" under Rule 16. *Id.*

Whether evidence is of a type that is unclassified or classified, discovery demands are addressed in the same manner. It is not whether there might be a "conceivable

benefit" of disclosure, as that is not sufficient – the relevance of any evidence must be found to be more than just theoretical. *See United States v. Yunis*, 867 F.2d 617, 624 (D.C. Cir 1989). The question is whether the information sought "goes to the innocence of the defendant *vel non*, impeaches any evidence of guilt, or makes more or less probable any fact at issue in establishing any defense to the charges. Therefore, it is at least arguable that even the relevance hurdle is not met." *Id.*

Turning to the nature of the Defendants' discovery demands, the central question is whether the information sought is more than theoretically material to a legitimate, legally recognized defense of public authority. In their Discovery Letter and Motion to Compel, the Defendants appear to hedge their bets by referring to raising both (or either) a possible public "actual authority" and "apparent authority" defense ("that they were acting (or believed they were acting) on behalf of [government officials] ." Motion to Compel, p.2. Yet what is considered "material to the defense" turns on whether the information sought is both relevant and helpful to a legally recognized defense.

The Ninth Circuit, as further discussed below, has not yet directly ruled on the issue of whether a defendant, in advancing a public authority defense, must first make a showing of reliance on actual public authority, though it appears to require at least a showing of a "reasonable belief" of actual authority. *See United States v. Mason*, 902 F.2d 1434, 1440-41 (9th Cir. 1990)(defendant must demonstrate a "reasonable belief that he or she is acting as an authorized government agent"). Most of the Circuits who have addressed this question require a showing of actual, not apparent, authority of a known government official before a defendant can advance a public authority defense. *See*

United States v. Sariles, 645 F.3d 315, 317-318 (5th Cir. 2011)(summary of Circuit decisions requiring actual, not apparent, authority). "The majority of Circuits to opine on the issue, therefore, hold that a defense of public authority requires that the defendant reasonably rely on the actual, not apparent, authority of a government official to engage him in covert activity." *Id.,* at 318. *See United States v. Holmquist*, 36 F.3d 1214, 1235-36 (1st Circuit 1994); *United States v. Duggan*, 743 F.2d 59, 83 (2nd Cir. 1984); *United States v. Pitt*, 193 F.3d 751, 756 (3rd Cir. 1999); *United States v. Fulcher*, 250 F.2d 244, 254 n.4 (4th Circuit 2001); *U.S. v. Stallworth*, 656 F.3d 721, 727 (7th Cir. 2011), *cert. denied*, 132 S.Ct. 1597 (2012); *United States v. Apperson*, 441 F.3d 1162, 1204 (10th Cir. 2006); and *United States v. Anderson*, 872 F.2d 1508, 1515-16 (11th Cir. 1989).

On a theme similar to that raised in the case *sub judice*, the Eleventh Circuit considered a defendant's public authority defense which alleged that the CIA had directed him to engage in drug trafficking as part of an intelligence operation. The Court held that a public authority defense requires a showing of "reliance on real and not merely apparent authority" and that since the CIA cannot legally authorize the defendant to violate the law, the "apparent authority" claim is not a viable defense. *United States v. Rosenthal*, 793 F.2d 1214, 1235-36 (11th Cir. 1986). Again, in another defendant's CIA inspired "they had me do it" public authority defense, the Court held that "[b]ecause the CIA has no real authority to violate the statutes of the United States, [the defendant's] theory that they were acting on apparent authority of an alleged CIA agent is not a viable defense." *United States v. Anderson*, 872 F.2d 1508, 1515 (11th Cir. 1989). The Eleventh Circuit found that the District Court properly excluded evidence "offered by the defense

which, if believed, fails to establish a legally recognizable defense." *Id.*at 1516.

The Ninth Circuit, in evaluating discovery demands by defendants to support a public authority defense, have held that '[a] defendant is not entitled to government documents relating to alleged CIA involvement in his criminal activity where no sufficient showing of potential relevance has been made" under Rule 16. *United States v. Matt-Ballesteros*, 71 F.3d 754, 770 (9th Cir. 1995). In that case, as in this one, where the defendants were relying on news articles regarding the CIA and arms dealing, the Court held that where "there was no evidence of a connection between the defendants' activities and the government," and where a defendant's subpoena for government records "was not likely to lead to the discovery of relevant evidence," denying the defendant's demand for production of such information was proper. *Id.*

In other instances, the Court focused on whether or not the defendant relied on the specific direction of persons known to be identified with the government. *See United States. v. Clegg*, 846 F.2d 1221, 1223 (9th Cir. 1988)(direct dealing with specific government officials "of the highest rank"). The Ninth Circuit has set as the proper standard for a public authority defense whether or not the defendant can demonstrate that he engaged in criminal conduct "at the request of a government law enforcement officer, with the reasonable belief that he or she [was] acting as an authorized government agent to assist law enforcement activity." *United States v. Mason*, 902 F.2d 1434, 1440-41 (9th Cir. 1990)(citing *U.S. v. Lee*, 589 F.2d 980 (9th Cir.), *cert denied*, 444 U.S. 969 (1979) & *U.S. v. Hughes*, 626 F.2d 619 (9th Cir.), *cert. denied*, 449 U.S. 1065 (1980)).

Similar to the claims raised in this case, the Ninth Circuit approved in *United*

States v. Rewald, 889 F.2d 836 (9th Cir. 1989) the exclusion of evidence offered by a defendant of his prior association with the CIA to support a public authority defense and the trial court's denial of his effort to seek production of government information regarding the "intelligence activities of other persons other that [the defendant] regarding to similar conduct." The *Rewald* Court emphasized that the defendant's "sole defense was that the CIA directed him to create [the business which defrauded investors] and operate it for the CIA's benefit" and also to "spend the investors' money extravagantly so as to cultivate relationships with foreign potentates" in order to recruit them as foreign intelligence sources. *Id.*, at 839. The Court approved the exclusion of the government records the defendant sought regarding CIA dealings with other persons and other deals since "the slight probative value of this evidence was substantially outweighed by the danger of confusion of the issues and misleading the jury" using a Rule 403 analysis. *Id.*, at 853.

The *Rewald* Court found that evidence was properly excluded "on the basis that details of [the defendant's] specific intelligence activities and those of his associates did not prove that the CIA had *instructed* [the defendant] to spend [the investors'] money to cultivate foreign intelligence contacts." *Id.*, at 853 (emphasis in original). The Ninth Circuit found that allowing the defendant to use evidence of transactions and events "transpiring hundreds of miles away with little or no connection to this case" posed a "substantial risk of permitting the trial to degenerate into an unfocused presentation of facts and testimony that would confuse the issues and mislead the jury." *Id. See also United States v. Sampol*, 636 F.2d 621, 633 n.31 (D.C. Cir. 1980)("In light of its dubious

probative value, when the testimony began to stray too far afield, the trial court properly refused to 'put the CIA on trial in the case.' "). Even assuming as true the defendants' claims of prior dealing(s) with the CIA not associated with the subject of the Indictment, this would not support their overly broad disclosure demands seeking far ranging, open-ended disclosure of information as to *any and all other* people, entities, transactions or countries as requested. Accordingly, the defendants' far reaching demands must fail.

The Defendants' Discovery Demands

The Government would first reaffirm that a search of all government records associated with the defendants' alleged actions as charged in the Indictment has not produced any records that are exculpatory and would fall under the purview of *Brady v. Maryland, United States v. Argus, Kyles v. Wheatley,* or *Giglio v. United States* and associated case law. Should any such information be discovered while this case is proceeding, prompt and full disclosure shall be forthcoming.

1. Request No.s 8 & 9.

Turning to the Defendants' enumerated discovery demands, the Government would first address Requests No. 8 and 9. These Requests relate to specifically tailored demand for records of communications and records relevant and material to the charges contained in the Indictment. Any records responsive to these Requests shall be produced.

2. Request No. 1.

To the extent that there are any records responsive to Request No. 1 with regard to the allegations and charges contained in the Indictment, to include all matters associated with the defendants' transactions with any individuals in Libya, the Government does not

object to this Request and will produce any such records for inspection. The Government to date has not located any such records pertinent to Request No.1. To the extent that Request No. 1 is directed towards information as to any of the Defendants' other possible past transactions or actions *not* associated with Libya, but covering their interactions with any and all other possible persons, countries and or time period, the Government objects to such a demand as information that is not in any manner either relevant or material to any legally recognized defense for the legal points and reasons stated above. That the defendants may have lawfully conducted any prior transaction with different person(s) in different locations under different circumstances has no legal bearing or any relevance on whether or not, as to the alleged Libya brokering activities, they were acting "at the request of a government law enforcement officer, with the reasonable belief that he or she [was] acting as an authorized government agent to assist law enforcement activity" and thus able to advance a public authority defense under the Ninth Circuit *Mason* standard.

3. Request No.s 2 – 7.

Defendants' discovery requests in No.s 2 through 4 amount to an epic fishing expedition for information that bears no relevance or materiality to the charged case or to any legally recognized defense. In summary, Defendants seek production of any documents in the government's possession that relate to any covert transfer of defense articles to any third party in the countries of Libya, Syria, Qatar, and the United Arab Emirates since 2010 of which the U.S. "assisted" or even "considered assisting" in any manner. This is clearly overbroad. Even if such information did exist, unrelated acts in other countries with other parties lend no support to the defendants' assertion that the

U.S. government directed them to commit a criminal act for a legitimate law enforcement purpose. As stated earlier, evidence of government direction for the defendants' charged acts do not exist. Moreover, it is well established that a government official cannot legally confer any authority to a person (the defendant) to commit any alleged criminal act. *See United States v. Matta-Ballesteros,* 71 F. 3d 754, 770 n.12 (9th Cir. 1995). The defendants' expansive request is akin to a drug dealer who seeks comprehensive disclosure for all undercover drug operations in the United States for the purpose of showing that he believed his drug trafficking offenses were sanctioned by the government. Whether the government engages in other undercover drug operations is wholly irrelevant and immaterial to the question of whether the drug dealer was specifically directed by law enforcement to engage in a particular criminal act for the purpose of furthering a law enforcement purpose. The Government hereby objects to these wide open and exceedingly far ranging discovery demands.

The defendants have offered *United States v. Stever*, 603 F.3d 757 (9th Cir. 2010) as their primary legal basis for these requests. The defendants' reliance on this case is misplaced as it is clearly distinguishable given that the *Stever* defendant flatly denied taking any action whatsoever as to what was charged in that indictment (i.e., growing marijuana on his property) and was attempting to present a defense that someone other than him (the "Mexican DTOs") did the crime. Given that the case against the defendant was entirely circumstantial, the *Stever* Court held that he was entitled to requested information to help him "rebut the inference that [he] must have been involved in the marijuana operation" based upon, primarily, the proximity of the marijuana grow field to

his residence. *Id.*, at 753. In this case, the defendants admit the *actus reus* of the charges alleged in the Indictment – it is not a "someone else did it" defense. Should the Court deny their legally unsupported discovery demands, the defendants may still endeavor to exercise their Sixth Amendment right to present and argue the "I thought the CIA wanted me to do it" defense at trial.[1]

Lastly, Requests No. 5-7 fall under the same category of demanding records relating to matters far afield (e.g., any U.S. actions relating to a U.N. report) from the "fact that is on consequence" to this matter for all the reasons noted above. None of the requested information has any bearing on whether the defendants were acting "at the request of a government law enforcement officer, with the reasonable belief that he or she [was] acting as an authorized government agent to assist law enforcement activity" and thus able to advance a public authority defense under the Ninth Circuit *Mason* standard.

CONCLUSION

Perhaps the Defendants held a notion inspired by a *Harper's* article, circa 2000, that what they were seeking to do in Libya was similar to what others *claimed* to have done with CIA support. Possibly they had harbored a desire to serve what they saw as U.S. interests. Yet that is a far, far way from submitting any credible evidence to support their sweeping discovery demands based upon, with certainty, any "actual" public authority defense, or even the *Mason* "reasonable belief" standard.

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[1] However, the Government does not concede that Public Authority is a valid or viable defense.

In *United States v. Wilson*, 721 F.2d 97, 975 (4th Cir. 1983), involving illegal arms exports to Libya wherein the defendant raised a defense that his dealings were part of a CIA "covert scheme" to penetrate the Libyan government, the Court found "[s]uch an unwarranted extension of the good faith defense would grant any criminal *carte blanche* to violate the law should he subjectively decide that he serves the government's interests thereby. Law-breakers would become their own judges and juries."

ACCORDLINGLY, the Government states it has no objection to Request No.s 8 & 9 and will provide inspection for any responsive records. Thus Request No.s 8 & 9 of the Motion to Compel is moot. As to the defendant's Discovery Requests No.s 1-7, the United States objects to these demands for the reasons and authorities stated herein and respectfully requests that the Court deny this part of the Motion to Compel.

Respectfully submitted this 3rd day of October, 2014.

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CERTIFICATE OF SERVICE

Due to this document being filed under seal, I hereby certify that on October 3, 2014, I filed the attached document with the clerk's office and sent a copy of the attached document to the following CM/ECF registrants:

Jean-Jacques Cabou, Attorney for Defendant Turi and
Samuel Alexander Attorney for Turi Defense Group

WM/ceb